

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

CISSY THUNDERHAWK; WAŠTÉ WIN	)	
YOUNG; REVEREND JOHN FLOBERG;	)	
and JOSÉ ZHAGÑAY on behalf of themselves	)	
and all similarly-situated persons,	)	
	)	
Plaintiffs,	)	<b>ORDER EXTENDING THE DEADLINE FOR INITIAL DISCLOSURES UNDER FED R CIV. P. 26(a)(1)</b>
	)	
vs.	)	
	)	
COUNTY OF MORTON, NORTH DAKOTA;	)	
SHERIFF KYLE KIRCHMEIER; GOVERNOR	)	
DOUG BURGUM; FORMER GOVERNOR	)	
JACK DALRYMPLE; DIRECTOR GRANT	)	
LEVI; SUPERINTENDENT MICHAEL	)	Case No. 1:18-cv-212
GERHART JR; TIGERSWAN LLC;	)	
and DOES 1 to 100,	)	
	)	
Defendants.	)	

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On September 1, 2020, the Court issued an order: (1) denying in part and granting in part a motion to dismiss filed by Governor Burgum, former Governor Dalrymple, Director Levi and Superintendent Gerhart (“State Defendants”); (2) denying in part and granting in part a motion to dismiss filed by Morton County and Sheriff Kirchmeier (“County Defendants”); and (3) denying a motion for summary judgment, or in the alternative, motion dismiss filed by Tigerswan LLC. (Doc. No. 88).

On September 18, 2020, the undersigned issued a scheduling and discovery order that provided in relevant part that the parties were to make their Rule 26(a)(1) initial disclosures by October 23, 2020 (Doc. No. 96).

On September 25, 2020, the State Defendants filed notice of their interlocutory appeal of the Court’s September 1, 2020, order along with a motion to stay proceedings/discovery. (Doc. Nos.

100 and 104). That same day the County Defendants filed notice of their interlocutory appeal of the Court's September 1, 2020, order along with a motion to stay proceedings in which they joined in the State Defendants' motion. (Doc. Nos. 102 and 105). On October 28, 2020, the County Defendants filed an amended motion to stay proceedings/discovery. (Doc. No. 108)

Meanwhile, on October 26, 2020, TigerSwan LLC filed a motion to stay discovery in which it joined the States Defendants' motion in part. (Doc. Nos. 109 and 111).

On motion by plaintiffs, the Court issued an order on October 13, 2020, giving plaintiffs 10 days, or until October 23, 2020, to file a response to all of the pending motions to stay proceedings/discovery. (Doc. No. 114).

The undersigned finds it appropriate under the circumstances to extend the Rule 26(a)(1) deadline by 10 days. Accordingly, on the undersigned's own motion, the deadline to complete Rule 26(a)(1) disclosures shall be extended until November 2, 2020.

**IT IS SO ORDERED.**

Dated this 20th day of October, 2020.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court